

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ARTHUR BUSTOS, as Personal
Representative of the Estate of DELFINA
CHAIRES, Deceased; BENITO
CHAIRES, SERGIO CHAIRES, and
ISAAC CHAIRES, each individually as
the Survivors and Legal Heirs to the
Estate of DELFINA CHAIRES,

Plaintiffs,

vs.

Civ. No. 18-049 KG/GBW

SOUTHWESTERN RAILROAD, INC.,
SOUTHWESTERN SHORTLINE
RAILROAD COMPANY,
SOUTHWESTERN RAILCAR
SERVICES, LLC, THE WESTERN
GROUPE, LC; and ROJELIO LOPEZ,

Defendants.

ORDER DENYING MOTION TO REMAND (DOC. 13)
AND
GRANTING MOTION TO DISMISS (DOC. 16)


This matter comes before the Court upon Plaintiffs' Motion to Remand (Doc. 13), filed January 30, 2018, and Defendant Rojelio Lopez's Federal Rule of Civil Procedure 12(b)(6) Motion to Dismiss (Motion to Dismiss) (Doc. 16), filed March 1, 2018. Plaintiffs filed a memorandum in support of the Motion to Remand and Defendant Southwestern Railroad, Inc. filed a response to the Motion to Remand. (Docs. 14 and 15). Plaintiffs did not respond to the Motion to Dismiss.

On May 29, 2018, the Court held a telephonic hearing on the Motion to Remand and the Motions to Dismiss. Nathan Lee Karlin appeared on behalf of Plaintiffs and Justin D. Rodriguez appeared on behalf of Defendant Southwestern Railroad, Inc.

Having considered the Motion to Remand and the Motion to Dismiss, the associated briefing, and the argument of counsel at the telephonic hearing, and for the reasons stated on the record at the telephonic hearing,

IT IS ORDERED that

1. the Motion to Remand (Doc. 13) is denied;
 2. the Motion to Dismiss (Doc. 16) is granted; and
 3. Plaintiffs' claims against Defendant Rojelio Lopez are dismissed with prejudice,
- thereby terminating Defendant Rojelio Lopez as a Defendant.



UNITED STATES DISTRICT JUDGE